

BOARD OF ZONING APPEALS MEETING A G E N D A

TOWN OF CHINCOTEAGUE
May 8, 2014 - 7:00 P.M. – Council Chambers - Town Hall

CALL TO ORDER

AGENDA ADOPTION:

-
1. Approval of minutes of November 14, 2013
 2. **Appeal 14-05-1** A request from Oyster Museum, inc., 7125 Maddox Blvd. for a variance from Article 4, section 4.7.27 (1) of the zoning ordinance of the Town of Chincoteague. The applicant wishes to place a 20' x 50' pavilion on said property. The structure would be placed 0' from the east lot line and 0' from the northern lot line. Current zoning requires the structure be placed no closer than 5' from said lot lines. The property is located in C-3 Corridor Commercial.
 3. Public Participation
 4. Board Action on Appeal

Adjourn:

MINUTES OF THE MEETING NOVEMBER 14, 2013
CHINCOTEAGUE BOARD OF ZONING APPEALS

MEMBERS PRESENT:

Mr. Jessi Speidel
Mr. Robert Cherrix
Mr. Edward Moran
Mr. Jack Gilliss
Mr. Chuck Ward
Mr. Donald Thornton

Kenny L. Lewis, Staff Support

MEMBERS ABSENT:

Mr. Mike McGee

1. Call to Order

Mr. Speidel called the meeting to order at 7:20 pm.

2. Approval of Minutes of October 10, 2013

Motion by Mr. Moran to approve the minutes of October 10, 2013 . Second by Mr. Ward. All in favor. Motion carried.

3. Appeal 13-11-1 A request from Cathy & Eric Plant, 7452, 7454 & 7456 Memorial Park Drive, for a variance from Article 3, sections 3.9.1. (1) & (2), 3.9.3 (1) & (2) or Article 4, sections 4.3.6. (1) & (2), 4.3.8 (1) & (2) of the zoning ordinance of the Town of Chincoteague. The applicant wishes split the existing lot into 2 parcels. One parcel will have a single family dwelling, the other parcel will have a duplex located on it. The parcel with the duplex is 8,294 square feet in area. Current zoning requires a minimum of 13,500 square feet in area. The duplex and the residence will be located 3' from the side lot line. Current zoning requires a minimum of 10' side yard setback for each structure. The rear yard setback of the residence will be 21'. Current zoning requires a minimum of 25'. The property is located in C-1 Neighborhood Commercial.

4. Public Comments on Appeal

Mr. Plant advised that about 15 years ago they decided to build this duplex as retirement income. However in a short time his health has gone down, for this reason he now needs to sell the duplex units. Mr. Plant advised he has had this property for sale for two years, but with the economy the way it is his property is not selling. Mr. Plant desires to get a smaller house that he and his wife can maintain. The current house is so big that he can not maintain it anymore due to his health. Mr. Plant advised that the variances being requested are for existing structures, nothing new is planned. Mr. Plant advised his goal is to sell the duplex

separate from the house. The new owner of the duplex could live in one and rent the other.

Ray Rosenberger spoke on behalf of the Planning Commission. The Commission felt that with the amount of variances being requested they could not support the approval of this request.

5. Board Action on Appeal

Mr. Ward questioned Mr. Plant with whom was the listing of the home with. Mr. Plant advised it was Chincoteague Resort Realty. He advised that the contract has expired, he will re-list it in January. Mr. ward questioned if he has got an appraisal of the property if it were subdivided. Mr. Plant advised no. Mr. Ward questioned who owns the 16' right-of-way in front of their house. Mr. Plant advised he owns the property but Billy Reed has to rights for ingress and egress. Mr. Ward questioned Mr. Plant on the asking price of the property as of now. Mr. Plant advised its on the market for \$799K.

Mr. Ward questioned Mr. Lewis when the permit was issued for the duplex, was Memorial Pk Dr considered the front. Mr. Lewis advised correct. Mr. Ward requested also with the proposed changes would the side right-of-way be the front. Mr. Lewis advised yes for unit 2 and the home.

Mr. Cherrix questioned if the deck between the house and the duplex was built to connect the units to comply with zoning at that time. Mr. Plant advised yes. Mr. Cherrix questioned if the duplex is strictly a vacation rental or is it rented out by the month. Mr. Plant advised in the summer its rented weekly and in the winter the Navy rents them.

Mr. Thornton questioned the size of the total parcel. Mr. Plant advised it was over 12,600 sq ft in area. Mr. Thornton questioned Mr. Lewis why this building is not call at tri-plex. Mr. Lewis advised he had not considered this option. Mr. Thornton advised in order to call it a tri-plex the land area must be 16,500 sq ft in area. Mr. Lewis advised he would have to look into the building codes relating to fire walls and other issues. However even if its call a tri-plex there are still problems with setbacks. Mr. Thornton questioned could one water meter supply all three units. Mr. Lewis advised if property lines are installed then each unit would have to have their own meter.

Mr. Gillis question how the sewerage was set up on the property. Mr. Plant advised the duplex has its own septic and the home has its own. Mr. Gillis advised that one of the comments received from a adjoining property owner stated you had septic issues. Mr. Plant advised his systems are fairly new, about 10 years old. They have had no problems. They advised the neighbors tanks are failing. Mrs. Plant advised they have their tanks pumped out every 1 or 2 years.

Mr. Speidel questioned what year was the duplex was built. Mrs. Plant advised 2002, the main house was built in 1982. Mr. Speidel questioned Mr. Lewis when the duplex was built were they legal. Mr. Lewis advised a vacation rental structure are permitted in that zoning district, when approve they were classified as vacation rentals and not a tri-plex. Mr. Speidel felt he has a problem with all the variances requested. Mr. Speidel advised that the reason for the variance request is because they can not seel the house as it is. That is not a hardship.

Mr. Thornton questions if all the units can be placed on one water meter. Mr. lewis advised if property lines are created then each lot would have to have its own meter. Mrs. Plant advised that currently there are two meters on the lot. One is active and one is inactive.

Mr. Moran questioned Mr. Rosenberger why the Planning Commission does not look at amending the ordinance to help the applicants. Mr. Rosenberger advised that the Commission could look at it but there are so many variance request for this parcel.

Mr. Ward advised the Board that even if they can change it to a tri-plex they still have problems with lot size.

Mr. Cherrix felt that this Board also has to think about if someone buys one lot and they want to add on, then they would have problems.

Mr. Moran questioned if the Board could put conditions on the approval that no additions could be built on the units. Mr. Speidel felt that its hard to enforce conditions.

Mr. Ward advised his primary concern is the setbacks, he felt that the duplex could be relocated on the property to meet the setbacks. Mr. Ward advised that the property has been for sale for over two years. The for sales sign is located way back off the street where no one can see it. Mr. Ward feels that the property has not been marketed very well. It appears that the two units are being rented for \$1,000 each. This appears to be a good rental income. The value of the property is \$490k but is on the market for \$800k.

Mr. Gilliss felt there was no way this appeal can be approved as it was requested due to the amount of variances.

Mr. Moran motioned to approved the request. Mr. Speidel second the motion. Voting for; Mr. Moran, Voting against; Mr. Gilliss, Mr. Ward, Mr. Cherrix and Mr. Thornton. Motion denied. Variances not approved.

6. Adjournment

Mr. Speidel adjourned the meeting.

Jessi Speidel, Chairman

**CHINCOTEAGUE
BOARD OF ZONING APPEALS
ANNUAL REPORT FOR 2013**

JANUARY 0 APPEAL

FEBRUARY 0 APPEAL

MARCH 0 APPEAL

APRIL 1 APPEAL

BEN HAMM

VARIANCE: SIDE YARD SETBACK REQUEST.

DECISION: MOTION TO APPROVE

YEA: GILLIS, CHERRIX, MCGEE, SPEIDEL, THORNTON, WARD

NAY:

ACTION: VARIANCE APPROVED

MEMBERS ABSENT: MORAN

MAY 1 APPEAL

RAYMOND BRITTON

VARIANCE: SIGN REQUIREMENTS.

DECISION: MOTION TO CONDITIONALLY APPROVE

YEA: GILLIS, CHERRIX, THORNTON, WARD

NAY:

ACTION: VARIANCE CONDITIONALLY APPROVED

MEMBERS ABSENT: SPEIDEL, MCGEE

JUNE 1 APPEALS

PINEWOOD GARDENS

SPECIAL USE PERMIT: TO CREATE 7 ADDITIONAL LOTS WITHIN PARK

DECISION: MOTION TO APPROVE

YEA: LEONARD, GILLIS, MORAN, SPEIDEL

NAY:

ACTION: APPEAL APPROVED

MEMBERS ABSENT: CHERRIX, THORNTON

JULY 0 APPEAL

AUGUST 0 APPEAL

SEPTEMBER 0 APPEAL

OCTOBER 1 APPEAL

ATLANTIS HOMES

VARIANCE: A REQUEST FOR 5' SIDE YARD SETBACKS. (10' REQUIRED)

DECISION: MOTION TO DENY

YEA: SPEIDEL, WARD, THORNTON, MCGEE, MORAN

NAY:

ACTION: VARIANCE DENIED

MEMBERS ABSENT: CHERRIX, GILLISS

NOVEMBER 1 APPEAL

CATHY & ERIC PLANT

VARIANCE: A REQUEST FOR MINIMUM LOT SIZE, FRONT, REAR AND SIDE YARD VARIANCES

DECISION: MOTION TO DENY

YEA: GILLIS, SPEIDEL, WARD, THORNTON, CHERRIX, MORAN

NAY:

ACTION: VARIANCE DENIED

MEMBERS ABSENT: MCGEE

DECEMBER 0 APPEAL

=====

TOTAL VARIANCES:	4	APPROVED:	2	DENIED:	2
-------------------------	----------	------------------	----------	----------------	----------

TOTAL SPECIAL USE PERMITS:	1	APPROVED:	1	DENIED:	0
-----------------------------------	----------	------------------	----------	----------------	----------

TOTAL DECISION OF THE ZONING ADMINISTRATOR	0	APPROVED:	0	DENIED:	0
---	----------	------------------	----------	----------------	----------

TOTAL APPEALS:	5	APPROVED:	3	DENIED:	2
-----------------------	----------	------------------	----------	----------------	----------

=====		
APPEALS ATTENDANCE:	PRESENT	ABSENT
MC GEE:	3	2
WARD:	5	0
CHERRIX:	3	2
THORNTON:	4	1
SPEIDEL:	4	1
GILLISS:	4	1
MORAN	4	1



TOWN OF CHINCOTEAGUE, INC.

April 14, 2014

Eastern Shore Post
P.O. Box 318
Tasley, VA 23441

Dear Sirs:

The Town of Chincoteague request the following notice of public hearing be published in the Eastern Shore Post on Friday April 25, 2014 and Friday May 2, 2014:

Public Notice

The Board of Zoning Appeals of the Town of Chincoteague will hold a public hearing on May 8, 2014 at 7:00 p.m. in the Council Chambers located at 6150 Community Drive to receive public comments and views on the following zoning matter:

Appeal 14-05-1 A request from Oyster Museum, inc., 7125 Maddox Blvd. for a variance from Article 4, section 4.7.27 (1) of the zoning ordinance of the Town of Chincoteague. The applicant wishes to place a 20' x 50' pavilion on said property. The structure would be placed 0' from the east lot line and 0' from the northern lot line. Current zoning requires the structure be placed no closer than 5' from said lot lines. The property is located in C-3 Corridor Commercial.

Kenny L. Lewis
Zoning Administrator

**TOWN OF CHINCOTEAGUE
BOARD OF ZONING APPEALS APPLICATION**

APPEAL CASE NUMBER: 14-05-1 FEE: \$ 450.00



pd
4/14/14
C/L
12340

APPLICANT/APPELLANT NAME: OYSTER MUSEUM, INC.
D/B/A MUSEUM OF Chincoteague Island

ADDRESS: 7125 Maddox BLVD

PHONE NUMBER 757-336-6117 E-MAIL chincoteaguemuseum@verizon.net

OWNER/APPELLANT SIGNATURE: [Signature] DATE APRIL 14, 2014

ADDRESS OF PROPERTY: 7125 Maddox BLVD.

TAX MAP#: 3/A-A-8,9,10 PARCEL# 8,9 & 10 LOT SIZE: 16,500 sq.ft.

ZONING DESIGNATION: C-3 Corridor Commercial DATE ACQUIRED: 1966

THE APPLICANT/APPELLANT REQUEST THAT A HEARING BE CONDUCTED BEFORE THE BOARD OF ZONING APPEALS FOR THE FOLLOWING PURPOSE:

☒ VARIANCE FROM ZONING REGULATIONS

() APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

() INTERPRETATION OF THE ZONING DISTRICT BOUNDARIES

() APPEAL OF A ZONING VIOLATION NOTICE

() SPECIAL EXCEPTION

() APPEAL FROM ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY ANY OTHER ADMINISTRATIVE OFFICIAL

() REVOCATION OF SPECIAL EXCEPTION, OR OTHER REQUESTED ACTION.

() APPEAL FROM FLOOD PLAIN ORDINANCE

SECTIONS OF ZONING ORDINANCE UNDER APPEAL:

Article 4, Section 4.7.27 (1) Requires 5' set back
REQUESTING 0' side & REAR yard setback.

PLEASE PROVIDE A BRIEF DESCRIPTION OF THE GROUNDS FOR THE APPEAL, SPECIAL EXCEPTION, OR OTHER REQUESTED ACTION.

ATTACH ADDITIONAL PAGES IF NECESSARY.

IF THE APPLICATION IS FOR A VARIANCE, ANSWER QUESTIONS 1-9 ON THE FOLLOWING PAGES.

PLEASE SEE ATTACHMENT "A"

PLEASE PROVIDE RESPONSES AND EXPLANATIONS WHERE APPLICABLE TO THE FOLLOWING:

QUESTIONS 1-9 MUST BE ANSWERED FOR A VARIANCE REQUEST.

1. IS THE PROPERTY EXCEPTIONALLY NARROW OR SHALLOW OR POSSESS AN IRREGULAR SHAPE OR SIZE WHICH EXISTED PRIOR TO THE ADOPTION OF THE ZONING REGULATION(S) FROM WHICH A VARIANCE IS SOUGHT SO THAT THE STRICT APPLICATION OF THE TERMS OF THE ORDINANCE WOULD EFFECTIVELY PROHIBIT OR UNREASONABLY RESTRICT THE UTILIZATION OF THE PROPERTY?

☒ YES

☐ NO

EXPLANATION: PLEASE SEE ATTACHED SITE PLAN (EXHIBIT 1) INDICATING LOCATIONS OF SEPTIC DRAINAGE FIELD, UNDERGROUND UTILITIES (ELECTRIC, TELEPHONE & WATER) PLUS THE DRIVEWAY PATH OF ACCESS FOR EMERGENCY VEHICLES AND TRAFFIC CIRCULATION.

2. DOES THE SUBJECT PROPERTY HAVE EXCEPTIONAL TOPOGRAPHIC CONDITIONS OR SOME OTHER EXTRAORDINARY SITUATION OR CONDITION WHICH IS UNLIKE OTHER PROPERTIES IN THE IMMEDIATE VICINITY SO THAT THE STRICT APPLICATION OF THE TERMS OF THE ORDINANCE WOULD EFFECTIVELY PROHIBIT OR UNREASONABLY RESTRICT THE UTILIZATION OF THE PROPERTY.

☒ YES

☐ NO

EXPLANATION: THE PROPERTY IS ADJACENT TO A RESIDENTIAL HOTEL ON THE NORTH SIDE, 50' RIGHT OF WAY ON THE EAST SIDE, MARSH ON THE SOUTH SIDE AND MADDOX BLVD ON THE WEST SIDE, PLEASE SEE EXHIBIT 1B.

3. IS THERE SOME PARTICULAR CONDITION, SITUATION OR DEVELOPMENT ON THE PROPERTY IMMEDIATELY ADJACENT TO THE SUBJECT PROPERTY WHICH AFFECTS THE SUBJECT PROPERTY'S ABILITY TO COMPLY WITH THE REGULATION(S) FROM WHICH THE VARIANCE IS SOUGHT SO THAT THE STRICT APPLICATION OF THE TERMS OF THE ORDINANCE WOULD EFFECTIVELY PROHIBIT OR UNREASONABLY RESTRICT THE UTILIZATION OF THE PROPERTY?

☒ YES

☐ NO

EXPLANATION: PLEASE SEE RESPONSE TO #2 ABOVE AND ATTACHMENT "A".

4. ON THE FACTS RELATIVE TO THE APPLICANT'S PROPERTY, WOULD THE GRANTING OF THE VARIANCE ALLEVIATE A CLEARLY DEMONSTRABLE HARDSHIP, AS DISTINGUISHED FROM A SPECIAL PRIVILEGE OR CONVENIENCE FOR THE APPLICANT?

☒ YES

☐ NO

EXPLANATION: THE EXISTING DRAINFIELD (SEPTIC) WILL NOT BE
COMPROMISED AND THE ABILITY OF THE TOWN TROLLEY'S
TURN ABOUT IS RETAINED.

5. WOULD THE GRANTING OF A VARIANCE CREATE SUBSTANTIAL DETRIMENT TO ADJACENT PROPERTY AND CHANGE THE CHARACTER OF THE ZONING DISTRICT?

☐ YES

☒ NO

EXPLANATION: _____

6. IS THE HARDSHIP FROM WHICH A VARIANCE IS SOUGHT, SHARED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICTS AND THE SAME VICINITY?

☐ YES

☒ NO

EXPLANATION: _____

7. DESCRIBE THE LAND-USE HARDSHIP WHICH HAS LIMITED THE USE OF THE PROPERTY, IF DIFFERENT FROM THE RESPONSE IN QUESTIONS 1-4 ABOVE.

EXPLANATION: N/A.

8. IF A RESPONSE OF "YES" IS PROVIDED FOR QUESTIONS #1, #2, #3 OR #4 ABOVE, NEVERTHELESS, IS THERE ANY RESONABLE BENEFICIAL USE FOR THE PROPERTY AS A WHOLE UNDER THE CURRENT REGULATION(S) FROM WHICH A VARIANCE IS SOUGHT?

() YES

☒ NO

EXPLANATION: _____

9. IF A RESPONSE OF "NO" IS PROVIDED FOR QUESTIONS #1, #2, #3 AND #4 ABOVE, OR A RESPONSE OF "YES" IS PROVIDED FOR QUESTIONS #5, #6 OR #8, THE APPLICANT IS HEREBY ADVISED THAT THE CHINCOTEAGUE BOARD OF ZONING APPEALS, UNDER APPLICABLE STATE LAW AND THE ZONING CODE, WILL HAVE INSUFFICIENT LEGAL GROUNDS FOR GRANTING A VARIANCE. THE APPLICANT DOES, HOWEVER, HAVE LEGAL RIGHT TO PRESENT THEIR CASE TO THE BOARD FOR ITS CONSIDERATION.

10. HAS ANY DEVELOPMENT, CONSTRUCTION OR OTHER ACTIVITY OCCURRED ON THE SUBJECT PROPERTY WHILE UNDER THE CURRENT OWNERSHIP WHICH DOES NOT COMPLY WITH ANY PROVISION OF THE Code?

() YES

☒ NO

EXPLANATION: _____

11. HAS A VARIANCE BEEN REQUESTED FOR THE SUBJECT PROPERTY WITHIN THE LAST 12 MONTHS.

() YES

☒ NO

EXPLANATION: _____

12. IS THE PROPERTY SUBJECT TO ANY LEGAL ACTION INCLUDING BUILDING CODE VIOLATIONS, ZONING CODE VIOLATION OR ANY PENDING COURT ORDER?

() YES (X) NO

EXPLANATION: _____

13. THE APPLICANT IS ADVISED TO REVIEW THE ATTACHED SECTIONS OF THE TOWN OF CHINCOTEAGUE ZONING CODE IN ORDER TO FURTHER UNDERSTAND THE LEGAL REQUIREMENTS REGARDING APPEALS, VARIANCE AND SPECIAL EXCEPTIONS. IF THE OWNER OF THE PROPERTY ELECTS REPRESENTATION BEFORE THE BOARD BY LEGAL COUNSEL, AGENT OR OTHERS ACTING ON BEHALF OF THE OWNER, THE FOLLOWING INFORMATION MUST BE PROVIDED:

REPRESENTATIVE'S NAME: _____ N.A. _____

REPRESENTATIVE'S ADDRESS: _____ N.A. _____

REPRESENTATIVE'S PHONE NUMBER: _____ N.A. _____

REPRESENTATIVE'S EMAIL: _____ N.A. _____

14. ATTACH ANY APPLICABLE SITE PLANS, BUILDING ELEVATIONS, GRADING PLANS, SEWERAGE LOCATIONS OR OTHER INFORMATION THAT MAY ASSIST THE BOARD IN THEIR CONSIDERATION OF THE MATTER.

PLEASE SEE EXHIBIT 1
AND

PAVILION SAMPLE ATTACHED

LOCATION OF EXISTING & PROPOSED CONSTRUCTION

- (1). DRAW AN OUTLINE OF EXISTING BUILDINGS(S) AND INDICATE DISTANCES FROM THE BUILDING(S) TO THE FRONT, REAR AND SIDE PROPERTY LINES.**
- (2). DRAW AN OUTLINE OF THE PROPOSED STRUCTURE USING DASHED LINES AND INDICATE DISTANCES TO THE OTHER BUILDINGS AND TO ALL PROPERTY LINES.**
- (3). DRAW LOCATION OF SEPTIC SYSTEM.**

=====

PLEASE SEE EXHIBIT 1

SITE PLAN

PLEASE INDICATE YOUR APPROVAL OR DISAPPROVAL OF THE PROPOSED LAND USE AS STATED IN THE APPLICATION BY CHECKING THE APPROPRIATE SPACE. SPECIFY THE LOCATION OF YOUR PROPERTY; NORTH, EAST, SOUTH OR WEST OF THE APPLICANTS PROPERTY.

TAX MAP # 31-4-4B

NAME: WAYNE W. MADDOX 1/3 TR ET 5/6 K MADDOX

ADDRESS: 5519 WOODLAND DR CHINCOTEAGUE VA 23336

PHONE: _____

COMMENTS:

SOUTH OF APPLICANT'S PROPERTY

☒ APPROVE REQUEST

☐ DISAPPROVE REQUEST

SIGNATURE: Wayne Maddox DATE: 4-12-2014

TAX MAP # 31-4-4C

NAME: WAYNE W. MADDOX 1/3 TR ET AIS 5/6 K MADDOX

ADDRESS: 5519 WOODLAND DR CHINCOTEAGUE VA 23336

PHONE: _____

COMMENTS:

WEST OF APPLICANT'S PROPERTY

☒ APPROVE REQUEST

☐ DISAPPROVE REQUEST

SIGNATURE: Mary Lou Birch DATE: 4-12-2014

TAX MAP # 31A-A-7

NAME: SHIELDS ENTERPRISES INC

ADDRESS: P.O. BOX 575 CHINCOTEAGUE VA 23336

PHONE: 336-1979

COMMENTS:

NORTH OF APPLICANT'S PROPERTY

☒ APPROVE REQUEST

☐ DISAPPROVE REQUEST

SIGNATURE: A. Scott Jensen DATE: 4/8/14

TAX MAP # 31A-3-1A

NAME: Bennie Sias & Karen Dowdy

ADDRESS: 7213 Pine Dr. Chincoteague VA 23336

PHONE: 757-336-6994

COMMENTS:

EAST OF APPLICANT'S PROPERTY

☒ APPROVE REQUEST

☐ DISAPPROVE REQUEST

SIGNATURE: Bennie Sias DATE: 4-8-14

TAX MAP # _____

NAME: _____

ADDRESS: _____

PHONE: _____

COMMENTS: _____

☐ APPROVE REQUEST

☐ DISAPPROVE REQUEST

SIGNATURE: _____ DATE: _____

TAX MAP # _____

NAME: _____

ADDRESS: _____

PHONE: _____

COMMENTS: _____

☐ APPROVE REQUEST

☐ DISAPPROVE REQUEST

SIGNATURE: _____ DATE: _____

OFFICIAL USE ONLY

DATE: MAY 8, 2014

APPEAL # 14-05-1

MOTION ON APPEAL: _____

☐ APPROVED

☐ DENIED

☐ CONDITIONALLY APPROVED;

FOR :

☐ JESSIE SPEIDEL ☐ DONNIE THORNTON ☐ ROBERT CHERRIX

☐ MIKE MCGEE ☐ JACK GILLISS ☐ CHUCK WARD ☐ EDDIE MORAN

AGAINST:

☐ JESSIE SPEIDEL ☐ DONNIE THORNTON ☐ ROBERT CHERRIX

☐ MIKE MCGEE ☐ JACK GILLISS ☐ CHUCK WARD ☐ EDDIE MORAN

ATTACHMENT "A"

Brief Description of the Grounds for the Variance Request.

The Museum of Chincoteague Island is located along Maddox Boulevard in the C-3 Corridor Commercial district, on tax parcels 31A-A-8, 31A-A-9, and 31A-A-10. The primary purpose of this district is to establish and protect a district that will serve the tourist trade which is vital to the growth of Chincoteague. It is located adjacent to a major traffic artery which links the recreation facilities on Assateague Island to the mainland.

The Board of Directors for the Museum of Chincoteague Island (a charitable non-profit) desires to build a proposed Pavilion as an accessory structure to be on pilings at the south east corner of the Museum's property. The 20'x50' foot structure is intended to provide a covered, semi-enclosed platform for education of visitor groups (up to 75 people) with a view to the surrounding landscape. Use of the pavilion would be limited to the purposes of the Museum, the normal hours of operation and scheduled special events such as the recent rocket launch. Town Zoning Administrator Kenny Lewis has advised that in accordance with Section 4.7 "Uses Permitted By Right", paragraph 4.7.27 Accessory Structures, (1) No Accessory Structure may be closer than Five Feet to any property line.

Our application requests a variance from this zoning regulation, that the five foot distance from two specific property lines be reduced to zero feet for this specific purpose only on the basis of undue and unnecessary hardship, if a strict application of the zoning provisions is made.

There is an extraordinary situation of this Museum lot (please see Exhibit 1). The property line on the east side is adjacent to an unbuildable 50' Right Of Way segment of Pine Drive, that is unpaved and not maintained and only used for a drainage ditch and storm pipe that discharges into the marsh. On the south side, the property line is adjacent to existing marshland (please see Exhibits 1A, 1B and 1C) that is currently in private ownership (Parcel 31-4-4B) and unlikely to build upon due to environmental restrictions and its proximity to the Chincoteague National Wildlife Refuge. A variance of the five foot provision will allow this structure to be constructed in such fashion that will not compromise the existing septic drain field. Other possible locations of the pavilion on this lot are prohibited because of the location of existing underground utilities (please see Exhibit 1), and strict application of the terms of this ordinance would effectively prohibit or unreasonably restrict the utilization of the property. Please note that this hardship is not shared by the other adjacent properties in this zoning district and will not be of substantial detriment to adjacent property owners, and the main character of the district will not be changed by the granting of the variance.

April 14, 2014 Museum of Chincoteague Island

1516410

SITE

REVOLVED
(A) PARKING SPACES

LOCATION MAP NO SCALE

31-A-4B

UTILITIES

LEGEND

GENERAL **NOTES**

THIS PLAN IS BASED ON A CURRENT FIELD SURVEY.

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

MADDOX BOULEVARD
ROUTE No. 2113 100' RIGHT OF WAY

31-A-4C

2101x T

PROPERTY SURVEY
OF THE LANDS OF
THE OYSTER MUSEUM, INC.

CHINCOTEAGUE-ACCOMACK COUNTY, VA.

DATE	6/20/13	DRAWN	JRT	SURVEYED	JEG	JOB NO. 2311-2013-05
FIELD BOOK FOR PAGE 22						

OWNED	PROJECT	SHEET	1	OF	1
JOHN H. PLUMMER AND ASSOCIATES, INC. PROFESSIONAL ENGINEERS REG. LAND SURVEYORS 615 EASTERN SHORE DRIVE SALESBURY, MD. 21804					

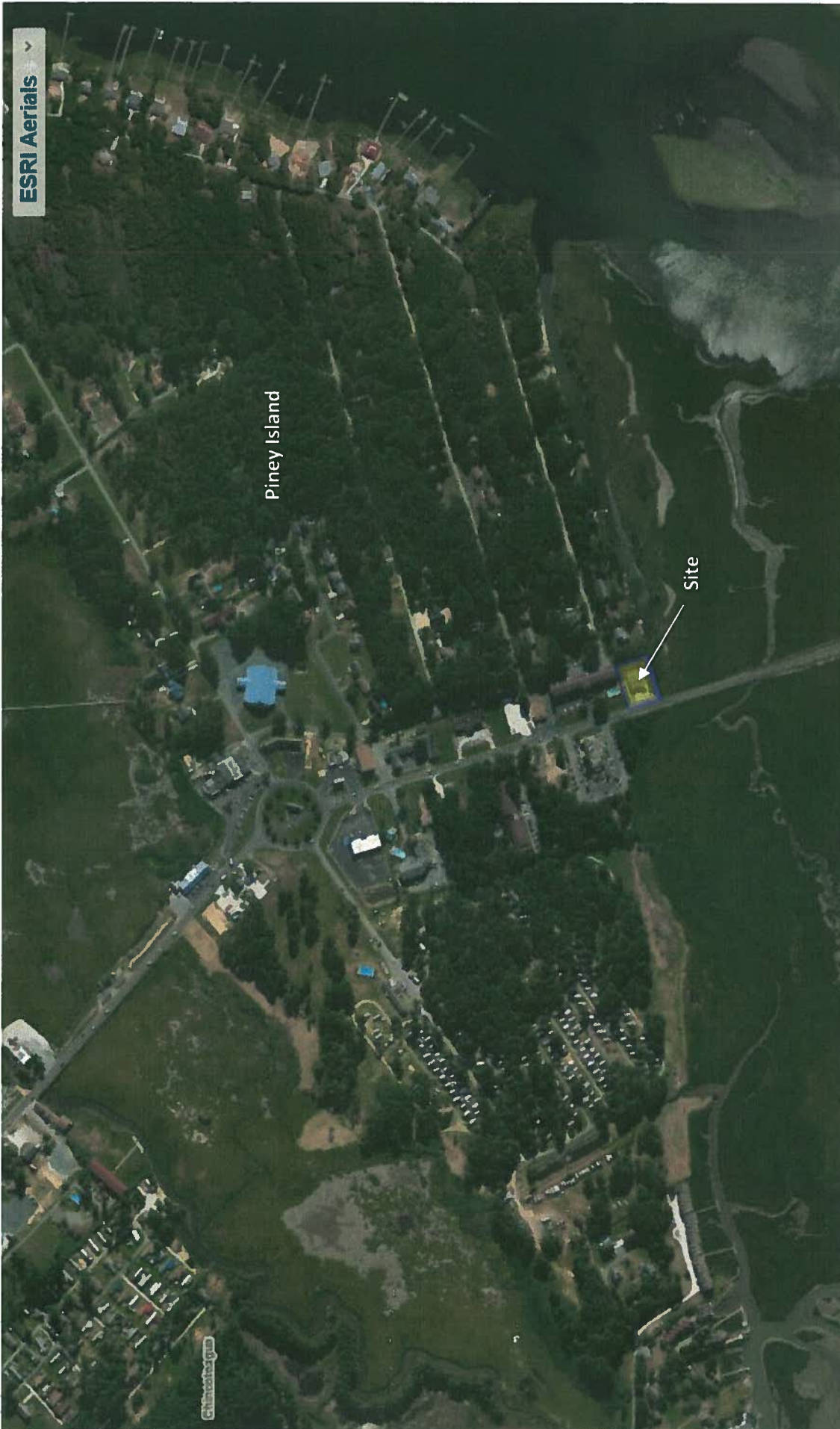


EXHIBIT 1A



EXHIBIT 1B



Approximate location
of Proposed Pavilion

Maddox Blvd

EXHIBIT 1C



PAVILION SAMPLE